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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Elizabeth Goldwyn Gibson

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

01/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 09/741,244	Applicant(s) GIBSON ET AL.	
	Examiner MD S. ELAHEE	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 03/02/2009. Claims 1-14 are pending. Claims 15-18 have been cancelled.

Response to Arguments

2. Applicant's arguments filed on 03/02/2009 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 2614

3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Foladare** et al. (U.S. Patent 5,960,064) in view of **Cannon** et al. (U.S. Patent 6,639,972).

Regarding claims 1, 5, 8 and 11, **Foladare** teaches a telephone system has a switching system for receiving a call from a calling party (abstract; col.2, lines 13-16, col.8, lines 19-22) and

Foladare further teaches a voice messaging system [i.e., voice mailbox] coupled to the switching system for receiving the call if a called party does not place a return telephone call after expiration of a predetermined time period (abstract; fig.1; col.2, lines 21-23, col.8, lines 24-48). Since the called party does not return the telephone call within the predetermined time period, it is clear that the called party does not answer the call. Also, since the caller calls a

personal telephone number of a called party's pager, the called party cannot answer the call. It is because, the pager can not go off-hook.

Foladare further teaches a telephone for receiving the call from the calling party, wherein the telephone joins the calling party, the called party, and the voice mailbox (col.2, lines 23-30, col.8, lines 40-57).

Foladare further teaches wherein the called party's telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox (col.2, lines 23-30, col.8, lines 59-62).

However, **Foladare** does not explicitly teach wherein the telephone comprises at least one option key that enables a user to turn on or turn off voice mail screening, wherein a number "1" is pressed to turn the voice mail screening on, and wherein a number "2" is pressed to turn the voice mail screening off.

Cannon teaches wherein the telephone comprises at least one option key that enables a user to turn on or turn off voice mail screening, wherein a DTMF key is pressed to turn the voice mail screening on, and wherein a DTMF key is pressed to turn the voice mail screening off (col.4, lines 1-25). Pressing DTMF key as number "1" to turn the voice mail screening on, and pressing DTMF key as number "2" to turn the voice mail screening off is well known in the art and it is a matter of design choice of DTMF key. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate at least one option key that enables a user to turn on or turn off voice mail screening, wherein a number "1" is pressed to turn the voice mail screening on, and wherein a number "2" is pressed to turn the voice mail

screening off, of **Cannon** into the telephone of **Foladare** so that user can easily activate/deactivate call screening operation by pressing the DTMF/number key.

Regarding claims 2 and 12, **Foladare** teaches that the telephone further comprises first and second connections to the switching system, wherein one of the first and second connections is utilized to provide a the three-way call (col.2, lines 23-30, col.8, lines 40-57).

Regarding claims 3, 6, 9 and 13, **Foladare** teaches that the calling party inherently cannot hear the called party during the three-way call (col.2, lines 23-30, col.8, lines 40-57).

Regarding claims 4, 7, 10 and 14, **Foladare** teaches that the called party can, through interaction with the telephone, talk with the calling party through the other of the connections and the voice mailbox is dropped from the call (col.2, lines 23-30, col.8, lines 40-57).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
January 25, 2010